

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

MARGARET SACK,

PLAINTIFF,

v.

CITY OF BUFFALO, POLICE DEPARTMENT,

DEFENDANT.

ORDER

10-CV-1047S

1. Pursuant to discussions at a status conference held before this Court on February 5, 2014, and upon the oral motion made by the Plaintiff on that date; and

2. In accordance with provisions of the duly signed Memorandum of Settlement, which stipulates a minimum payment of sixty thousand dollars (\$60,000.00) in the event New York State agrees to a recalculation of the Plaintiff's pension in her favor, and total payment of seventy-five thousand dollars (\$75,000.00) if the recalculation does not work in her favor; and

3. Noting that in either case a minimum payment by the Defendant to the Plaintiff of \$60,000.00 was agreed to; and

4. Noting that to date no payment has been made; and

5. Noting that said Memorandum of Settlement was signed on September 5, 2013; and

6. Noting that as of the February 5, 2014 status conference neither the Plaintiff nor the Defendant was able to name a date certain for a response from the State of New York regarding the recalculation of the Plaintiff's pension;

IT IS HEREBY ORDERED THAT

A. Within thirty days of this order, the Defendant, City of Buffalo, must remit to the Plaintiff the minimum sum agreed to in the Memorandum, to wit, Sixty Thousand

dollars (\$60,000.00).

- B. If the recalculation by New York State does not accrue to the Plaintiff's advantage, then the contingent remaining sum of fifteen thousand dollars (\$15,000.00) to make a total of seventy-five thousand dollars (\$75,000.00)) as agreed to in the Memorandum of Settlement must be remitted to the Plaintiff within thirty days of Defendant's receipt of the notice of the recalculation of the Plaintiff's pension from New York State.

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court

Dated: February 8, 2014
Buffalo, NY